

## **ORDINANCE NO. 1482**

**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING CHAPTER 10.16 – COMMERCIAL VEHICLES OF TITLE 10 – VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE; RESTRICTING COMMERCIAL TRUCK PARKING ON CITY STREETS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council of the City of Benbrook, Texas is charged with regulating the safe travel of vehicles on roadways within the City limits of Benbrook to protect the health, safety and welfare of citizens and other persons using such roadways; and

**WHEREAS**, the City Council finds that the parking of commercial trucks on city streets is detrimental to the public health, safety, and welfare of the citizens of the City of Benbrook; and

**WHEREAS**, the City Council further finds that the parking of commercial trucks on city streets creates a public nuisance which cannot be satisfactorily abated by the enforcement of existing regulations; and

**WHEREAS**, the City Council finds it necessary to the promotion of the public health, safety, and welfare that an Ordinance be passed prohibiting the parking of commercial trucks on city streets.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:**

### **SECTION 1**

That Section 10.16.140 – Parking of trucks, buses, semi-trailers, etc., on city streets, Chapter 10.16 – Commercial Vehicles, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code (1985), as amended, is hereby amended to read as follows:

#### **10.16.140 Parking of trucks, buses, trailers, semi-trailers, etc., on city streets.**

- A. It is unlawful for the driver or owner of any bus, truck, van, truck-tractor or any other type of self-propelled trackless conveyance, other than a recreational vehicle, which is more than twenty feet in length from bumper tip to bumper tip, more than seven feet in width at its widest point, or more than seven feet in height at its highest point, to park the same, permit the same to be parked or

stand on any street in the city, unless actively engaged in: 1) the loading or unloading of the vehicle, or 2) a service call.

- B. It is unlawful for the driver or owner of a trailer or semi-trailer to park the same, permit the same to be parked or stand on any street in the city for a period exceeding eight hours.
- C. At no time shall any vehicle, when parked or standing pursuant to this chapter, create a driving or safety hazard as reasonably determined by the chief of police.
- D. Subsections A and B shall not apply to
  - 1. Emergency or other vehicles and equipment used while performing City business;
  - 2. Vehicles and equipment used by public service utility companies when repairing or extending public service utilities; or
  - 3. Vehicles when otherwise lawfully parked.

## **SECTION 2**

That all other provisions of Chapter 10.16 – Commercial Vehicles, Title 16 – Vehicles and Traffic of the Benbrook Municipal Code, not included in this amendment, shall remain in full force and effect, save an except for necessary modifications to the “Table of Contents” affecting page numbering, and for necessary modifications to related terminology or phrases that have been modified by this amendment that will affect a similar modification to interrelated terminology and phrases cross-referenced in other Chapters in the Municipal Code.

## **SECTION 3 CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 4 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and Sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or Section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or Section.

## **SECTION 5 PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense. Nothing herein shall affect any minimum fine prescribed by any ordinance of the city and any such minimum fine shall remain unchanged.

## **SECTION 6 SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 7 PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

## **SECTION 8 ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

## **SECTION 9 PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 10**  
**EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** this 1st day of September, 2022.

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Jason Ward, Mayor

**ATTEST:**

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Joanna King, City Secretary